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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,593	07/31/2001	Gunther Birk	A34697 071308.0194	1894
21003	7590	03/29/2005	EXAMINER	
BAKER & BOTTS 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			HABTE, ZEWDU	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/918,593

Applicant(s)

BIRK ET AL.

Examiner

Zewdu Habte

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9-11 is/are rejected.
- 7) ☒ Claim(s) 6-8 and 12-15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/15.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 10, line 6, the phrase "the isolated slave units" renders the claim indefinite because there is no reference in claim 10 to an isolated slave unit; it lacks positive antecedent basis in the claim. See MPEP § 2173.05(e).

Regarding claim 11, the phrase "the isolated slave units" renders the claim indefinite because there is no reference in claim 10 to an isolated slave unit; it lacks positive antecedent basis in the claim. See MPEP § 2173.05(e).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1-2, 5-7, 9, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Laborde (US 6816082 B1).

As to claims 1 and 10, Laborde discloses a communication system in Fig. 1 (serial communication system) including a surface node 200 (master unit) and multiple nodes 202, 204, 206, 208, and 210 (a plurality of slave units). As Laborde illustrated in Fig. 2, these nodes are connected to one another serially through a communication link 18 (col. 2, lines 42-44) (a concatenation of point-to-point connection in line topology). Laborde also discloses a redundancy channel 220 (an additional connection), which connects a surface device/surface node 200 (master unit) to end node 210 (the furthest slave unit) (col. 3, lines 27-29). This way, in the case of a node failure (interruption in the line topology), the rest of the nodes (isolated slave units) communicate alternatively (col. 3, lines 30-40).

As to claim 2, Laborde discloses that a signal is transmitted through the redundant channel after detecting a main channel failure (col. 3, lines 41-46) (additional connection can only be activated in the event of a line interruption).

As to claim 4, Laborde discloses a setup module 300 in Fig. 4 (detector). Laborde discloses when there is a defective channel, setup module 300 configures an alternative route (activates the additional connection) (col. 6, lines 25-38) (although the setup module 300 task explained when referring to Fig. 3, it has the same functionality in Fig., 2 since it is part of surface node 200).

As to claim 5, Laborde discloses that module 300 (detector) is in surface node 200 (master unit) (Fig.4).

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As to claim 9, Laborde discloses the setup module 300 controlled by a processor 362 as depicted in Fig. 4 (col. 2, lines 28-39).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laborde in view of Kimball et al. (5859959).

As to claim 3, Laborde does not disclose the additional connection serves for monitoring purposes during normal operation. Kimball discloses using a redundant link to provide link status while the primary line is maintained (col.3, lines 60-67). It would have been obvious to a person of ordinary skill at the time of the invention to combine Laborde with Kimball to provide monitoring using an additional line during a normal operation, since doing so would provide communication with all critical devices at all times.

Allowable Subject Matter

7. Claims 6-8,12-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zewdu Habte whose telephone number is 571-272-3115. The examiner can normally be reached on 8:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Zewdu Habte (Zed)
Examiner
Art Unit 2661

ZH


KENNETH VANDERPUYE
PRIMARY EXAMINER